

MINUTES

MONTANA SENATE 56th LEGISLATURE - REGULAR SESSION

COMMITTEE ON HIGHWAYS AND TRANSPORTATION

Call to Order: By **CHAIRMAN ARNIE MOHL**, on March 4, 1999 at 3:04 P.M., in Room 410 Capitol.

ROLL CALL

Members Present:

Sen. Arnie Mohl, Chairman (R)
Sen. Ric Holden, Vice Chairman (R)
Sen. Mack Cole (R)
Sen. Bob DePratu (R)
Sen. Reiny Jabs (R)
Sen. Greg Jergeson (D)
Sen. Glenn Roush (D)
Sen. Debbie Shea (D)
Sen. Spook Stang (D)
Sen. Daryl Toews (R)

Members Excused: Sen. John Hertel (R)

Members Absent: None.

Staff Present: Connie Erickson, Legislative Branch
Phoebe Olson, Committee Secretary

Please Note: These are summary minutes. Testimony and discussion are paraphrased and condensed.

Committee Business Summary:

Hearing(s) & Date(s) Posted: HB 454 HB 172 HB 467, 3/5/1999
Executive Action: HB 454 SB 464 HB 231 HB 23
HB 189 HB 172 HB 467

HEARING ON HB 454

Sponsor: REPRESENTATIVE LOREN SOFT, HD 12, Billings

Proponents:

LT. Governor Judy Martz

Joyce Kramer, Life Center Northwest Donor Network

Beta Lovitt, Montana Medical Association

Theodore Marchion, Governors Council on Organ and Tissue Donation

Jim Ahrens, MT Hospital Association

Sami Butler, Montana Nurses Association

Dean Roberts, MT Department of Justice

Opponents: None

Opening Statement by Sponsor:

REPRESENTATIVE LOREN SOFT, HD 12, Billings, submitted written testimony. **EXHIBIT(his49a01)**

Proponents' Testimony:

LT. GOVERNOR JUDY MARTZ, thanked the committee for the opportunity to be before them. She asked for support for HB 454. She shared the story of her sister Sherrie who needed a kidney transplant. She was blessed to give her sister one of her own kidneys, and to see her sister have a new lease on life. She said this was yet another way not only to improve a life but to actually be able to give a life and to make sure all Montanans are aware that they too can be a part of "Providing every man, woman and child in Montana the option to make a decision about organ and tissue donation." She contended the bill would not cost the state one single cent. She pronounced she was very proud of what they had the opportunity to do and asked each of the members to vote yes on HB 454 and also to check their license that they had marked that they would be donors.

Joyce Kramer, Life Center Northwest, she thanked the committee for this opportunity. She alleged that she was an organ recovery coordinator for Life Center Northwest based in Billings. She announced that Life Center Northwest was a federally designated organ procurement agency covering Montana. She maintained that the critical shortage of organs for transplantation was a public concern. She said that only 50% of the population consent to organ donation. She said in 1998 Montana had 23 organ donors. She said there were so few donors because of inaccurate information, and insufficient public education. She strongly encouraged the

passage of this voluntary donation to increase public awareness about organ and tissue donation.

Betta Lovett, MT Medical Association, said there was a real need for organ donors. She said this type of legislation was so good, and so important because it would increase funding for education for people. She strongly urged support of the legislation.

Theodore Marchion, Governors Council on Organ and Tissue Donation, said this was an issue that was very dear to his heart. He expressed that he had been a heart transplant recipient. He maintained that the need for organ and tissue transplant can happen at anytime to any one of any age, gender or race. Because he was given a second chance he had dedicated his life to the promotion of organ donor awareness. He said donor awareness and education did help both to increase the number of donors and give hope to those who face disease. He urged the committee to support the bill, to help promote organ tissue donor awareness.

Jim Ahrens, MT Hospital Association, said he urged the committee to support the bill.

Sami Butler, MT Nurses Association, said as a registered critical care nurse she had numerous experiences dealing with families and patients in this particular situation. She contended the problem she had seen was that families were facing this in a crisis situation. She explained that it was tough to explain this to the families during a crisis, who might not have had this discussion with their loved one. She maintained that the nurses of Montana were very supportive of this legislation.

Dean Roberts, Department of Justice, said they had been involved in the organ donor program for a number of years with the drivers license program. He said they supported this program as well as the county treasurers. He said he would be happy to answer questions.

Opponents' Testimony: None

Questions from Committee Members and Responses:

SENATOR DEPRATU, asked if there was any problem with organs being available in Montana because it was such a rural state.

Sami Butler, said there were no problems, everyone in the hospital as well as Emergency Personnel were all aware of the program.

SENATOR JERGESON, asked the sponsor why he chose this particular vehicle for this program, and why it was limited to only this particular area.

REPRESENTATIVE SOFT, deferred to **LT. GOVERNOR MARTZ**.

LT. GOVERNOR MARTZ, said the reason they hadn't gone another avenue was because people were used to being asked about donation on their drivers license and she felt this would be the best way to reach people without hassling them on every issue.

SENATOR JERGESON, asked if there had been any thought given to those families who were of modest means, where they would come up with the money for transplants.

LT GOVERNOR MARTZ, said that was legislation she would urge legislators to pursue, but the intent right now was awareness.

SENATOR JABS, asked for the mechanics of the program.

Sami Butler, said there were mechanisms in place for communication. In a car accident the paramedics would be in touch with the hospital they were traveling to, and the patient was kept alive until they know for sure they are not a candidate for transplantation.

SENATOR MOHL, asked how the Department of Health and Human services would keep track of the money to make sure it got to the right places.

Nancy Elery, MT Department of Human Services, said there was a special account established where the money would go and it could not be used for anything else but organ and tissue donor awareness.

SENATOR MOHL, asked who determined who received the money and how much they would receive.

Nancy Elery, said the Governors Council would make the determination on how the money was spent.

LT. GOVERNOR MARTZ, said it would not be money that people could apply for. She maintained the money would go directly for education on organ donor awareness.

SENATOR SHEA, asked if there were any places in the state that tested bone marrow.

LT. GOVERNOR MARTZ, said she believed it could be done in Montana, her sister had hers done in Billings.

Closing by Sponsor:

REPRESENTATIVE SOFT, thanked the committee. He called attention to the back of the bill, where there was stricken language. He maintained the county treasurers had asked the .10 cents be taken out and they would do that as part of their regular duties. He appreciated the opportunity to carry this bill. To close, he told a story about giving a helping hand. He hoped the committee could pass the bill.

{Tape : 1; Side : A; Approx. Time Counter : 437; Comments : stopped tape for a couple minutes}

EXECUTIVE ACTION ON HB 454

Motion/Vote: SEN. STANG moved that HB 454 BE CONCURRED IN. Motion carried unanimously.

EXECUTIVE ACTION ON SB 464

Motion/Vote: SEN. STANG moved that SB 464 BE TABLED. Motion carried unanimously.

EXECUTIVE ACTION ON HB 231

Motion/Vote: SEN. SHEA moved that HB 231 BE CONCURRED IN. Motion carried unanimously.

EXECUTIVE ACTION ON HB 23

Motion: SEN. STANG moved that HB 23 BE CONCURRED IN.

Discussion:

SENATOR STANG, said that in 1989 the bill was introduced that required state employees to keep records of ethanol use, because they thought it would encourage use. He thought it was amusing that it would now be deregulated.

SENATOR DEPRATU, said he thought the reason they didn't need to keep records anymore was because of the advancements made in the automobiles.

SENATOR MOHL, said the only problem he had was if it forced the Department of Transportation into buying ethanol, there were not enough service stations.

SENATOR DEPRATU, said any car could use 10 to 1 ethanol blends.

SENATOR STANG, said there was nothing in the bill that said they had to buy special cars. He said the bill only encouraged use of ethanol blended fuels when they were competitively priced.

Vote: Motion carried 8-3 with Hertel, Mohl and Roush voting no.

{Tape : 1; Side : B; Approx. Time Counter : 345; Comments : There was some discussion about what to take executive action on. Then turn the tape over.}

EXECUTIVE ACTION ON HB 189

Motion/Vote: SEN. STANG moved that HB 189 BE CONCURRED IN.
Motion carried unanimously.

HEARING ON HB 172

Sponsor: REPRESENTATIVE CHASE HIBBARD

Proponents:

Bob Turner, MT Department of Transportation
Ronna Alexander, MT Petroleum Association

Opponents: None

Opening Statement by Sponsor:

SENATOR RIC HOLDEN, presented HB 172 for **REPRESENTATIVE HIBBARD**. He allowed the department to explain the bill.

Proponents' Testimony:

Bob Turner, MT Department of Transportation, stood before the committee as a proponent for **HB 172** as amended. He explained that the bill did two things. First it would extend the filing

deadline for paying gas and special fuel taxes by three days because they were paid by electronic funds transfer. It would also define the term total remittance. He said presently there was some confusion on what remittance meant. He was available to answer questions.

Ronna Alexander, MT Petroleum Association, said her association was in support of the bill. She explained more about licensed distributors and how they paid taxes on their purchases not their sales. She thanked the committee and made herself available for questions.

Opponents' Testimony: None

Questions from Committee Members and Responses:

SENATOR HOLDEN, asked where the incentive was written in the bill.

Ronna Alexander, replied the incentive was in the extension of the payment of three days from the 25th to the 28th of each month.

SENATOR HOLDEN, said essentially then the payment had to be in the mail by the 25th, but if it was sent by electronic funds transfer the due date was the 28th of the month.

Ronna Alexander, replied that was correct.

SENATOR STANG, stated in section two, it said electronic transfers may be used, and section three said the department may require them. He wondered if that meant electronic funds transfer was optional or that the department could require all dealers to pay electronically.

Bob Turner, said section three was language already in present law, and it referred to the filing of the reports not the payment of taxes.

SENATOR STANG, asked if you could require a person to do this who wasn't set up to do it, who would pay for the set up.

Bob Turner, said if he required someone to do it who wasn't set up to do it, it seemed to him he would have to absorb some of the cost.

SENATOR DEPRATU, said it would appear that this would be a benefit to the state and the companies.

Bob Turner, agreed.

SENATOR MOHL, asked if section seven, was the only section that had the 10% late fee in it.

Bob Turner, replied that it was.

SENATOR MOHL, asked him to explain the penalties.

Bob Turner, explained the penalties and replied that money went into the Special Revenue Fund.

Closing by Sponsor:

REPRESENTATIVE HIBBARD, thanked **SENATOR HOLDEN**, for opening the hearing on the bill. He trusted the bill had been discussed thoroughly . He appreciated the committee's consideration.

HEARING ON HB 467

Sponsor: **REPRESENTATIVE CHASE HIBBARD**, HD 54, Helena

Proponents:

Doug Monger, MT Fish, Wildlife and Parks
Linda Stole, MT Wilderness Association
Bill Orsello, MT Wildlife Federation
Ken Hoovestol, MT Snowmobile Association
Doug Abelin, MT Trail Vehicle Riders Association
Don Allen, Western Environmental Trade Association
Maggie Pitman, US Forest Service

Opponents: None

Opening Statement by Sponsor:

REPRESENTATIVE CHASE HIBBARD, said this was a simple bill that accomplished two things. One, would allow trail riders to travel on designated forest service roads to get from trail to trail. Secondly, the bill would extend the traveling privilege to individuals who are between 12 and 16 years of age, after they had completed the off highway vehicle safety education course.

Proponents' Testimony:

Doug Munger, MT Fish, Wildlife and Parks, submitted written testimony. **EXHIBIT**(his49a02)

Linda Stole, MT Wilderness Association, said her association was supportive of the bill because the forest service had assured them there would be intense public scrutiny when making determinations about the dual use roads.

Bill Orsello, MT Wildlife Federation, said they were proponents of the bill because they saw it as a good opportunity for the forest service to be able to manage off-road vehicle use, so it did not impact wildlife habitats or security. He urged support for the bill.

Ken Hoovestall, MT Snowmobile Association, said it was a good bill and he would appreciate the committee's support.

Doug Abelin, MT Trail Vehicle Riders Association, said the most important thing in the bill was the requirement for the children to take the safety course. He supported the bill and appreciated the committee's consideration.

Don Allen, Western Environmental Trade Association, said the association was in support of the bill for reasons previously stated. He said motorized recreation was an important part of Montana's future.

Informational Testimony:

Maggie Pitman, MT Forest Service, said she was available for questions.

Questions from Committee Members and Responses:

SENATOR COLE, asked what procedure was used to tie two roads together.

Maggie Pitman, said safety would be considered first, but also public input.

SENATOR MOHL, asked who would be financially responsible for the signs erected.

REPRESENTATIVE HIBBARD, answered that the forest service would pay for the signs.

Doug Abelin, said through an off road grant program, they offered to share in the cost of the signs, so there would be no cost to the state.

Closing by Sponsor:

REPRESENTATIVE HIBBARD, thanked the committee for a good hearing. He believed this was a win win situation.

EXECUTIVE ACTION ON HB 172

Motion/Vote: **SEN. HOLDEN** moved that **HB 172 BE CONCURRED IN.**
Motion carried unanimously.

EXECUTIVE ACTION ON HB 467

Motion: **SEN. SHEA** moved that **HB 467 BE CONCURRED IN.**

Discussion:

SENATOR JERGESON, said it looked like a good bill, but he was worried about kids being on the same roads as logging trucks.

*{Tape : 2; Side : A; Approx. Time Counter : 426; Comments :
switch to tape 2}*

SENATOR JERGESON, asked if this was a seasonal program.

SENATOR SHEA, said it was her understanding that only particular roads would be allowed to be used.

SENATOR JERGESON, said that if you had a logging road, by definition you would have logging trucks on it.

SENATOR SHEA, said she believed that logging roads would not be roads they allowed used under this program.

SENATOR JERGESON, asked if there were some roads that wouldn't be used seasonally by logging trucks.

REPRESENTATIVE HIBBARD, addressed the priorities of mixed use roads. He said roads would be designated for separate use periods, such as season, weekday/weekend and day/night.

SENATOR SHEA, said there was testimony that they would consider safety, public input and other users on the roads.

Vote: Motion **carried unanimously.**

ADJOURNMENT

Adjournment: 4:30 P.M.

SEN. ARNIE MOHL, Chairman

PHOEBE OLSON, Secretary

AM/PO

EXHIBIT (his49aad)